

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARY KATHLEEN ADAMS,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	NO: 3:18-CV-03098
	§	
SAFE HOME SECURITY, INC.,	§	
<i>Defendant.</i>	§	

**DEFENDANT SAFE HOME SECURITY INC.'S
RULE 12(b)(6) MOTION TO DISMISS**

Defendant Safe Home Security, Inc. respectfully submits its Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12 (b)(6).

Plaintiff's Complaint cannot survive FRCP 12(b)(6) scrutiny, and thus dismissal is appropriate. First, the TCPA restricts devices that have the capacity to and actually do perform a specific function: automatically generating and dialing random or sequential telephone numbers, and Plaintiff's Complaint does not plead any plausible or non-conclusory facts indicating that defendant used ATDS equipment to generate and dial random or sequential numbers. Secondly, Plaintiff has not pled any facts that would give rise to a cognizable claim under sections 392.304(a) (4) or 392(a) (19) of the statute.

WHEREFORE, Defendant Safe Home Security, Inc. respectfully requests that Plaintiff's claims against Defendant Safe Home Security, Inc. be dismissed with

prejudice for Plaintiffs' failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT
SAFE HOME SECURITY INC.

CERTIFICATE OF SERVICE

On January 11, 2019, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).



Bryan D. Pollard